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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91171425
Party	Plaintiff PPC Marketing, Ltd.
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Submission	Other Motions/Papers
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Date	01/07/2010
Attachments	PPC-Michael-Foods-1-7-10.pdf ( 4 pages )(118517 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PPC MARKETING, LTD.,	§	
	§	
Opposer,	§	
	§	
v.	§	Consolidated Opposition Nos.:
	§	91171425 and 91171426
MICHAEL FOODS, INC.	§	
	§	
Applicant.	§	
	§	

**JOINT MOTION FOR RELIEF FROM FINAL JUDGMENT**

The parties hereby requests relief from the final judgment of dismissal with prejudice entered on December 7, 2009. The parties reached an agreement to settle this dispute, and the terms of the agreement provided for dismissal without prejudice. Counsel for Applicant gave written consent by e-mail to the Agreed Motion to Dismiss Without Prejudice that Opposer filed on November 17, 2009, but the Agreed Motion was filed without the signature of counsel for Applicant. Accordingly, the parties wish to file the attached Agreed Motion to Dismiss Without Prejudice, which includes signatures of counsel for both parties. Pursuant to Federal Rule of Civil Procedure 60 the parties respectfully request leave for amendment of the final judgment to reflect dismissal without prejudice.

Dated: January 7, 2010

Respectfully submitted,



Nicole B. Emmons  
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**Attorneys for Opposer PPC Marketing, LTD**

Dated: January 7, 2010



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**Attorneys for Applicant Michael Foods, Inc.**

**CERTIFICATE OF SERVICE**

The undersigned certifies that on January 7, 2010, a true copy of the foregoing **JOINT MOTION FOR RELIEF FROM FINAL JUDGMENT** was served on counsel for Michael Foods Inc., Dean R. Karau, FREDRIKSON & BYRON, P.A., via e-mail, with counsel's agreement to accept service by e-mail.



NATHAN ENGELS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PPC MARKETING, LTD.,	§	
	§	
Opposer,	§	
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v.	§	Consolidated Opposition Nos.:
	§	91171425 and 91171426
MICHAEL FOODS, INC.	§	
	§	
Applicant.	§	
	§	

**AGREED MOTION TO WITHDRAW OPPOSITIONS WITHOUT PREJUDICE**

Pursuant to the terms of an agreement reached between the parties, the undersigned, as counsel for Opposer PPC Marketing, Ltd., hereby moves to withdraw Opposition Nos. 91171425 and 91171426 without prejudice. In addition, Applicant Michael Foods, Inc., hereby moves to dismiss its counterclaims without prejudice.

Dated: January 7, 2010

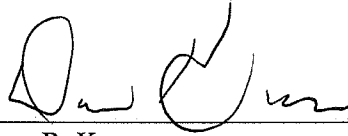
Respectfully submitted,



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Dated: January 7, 2010



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**Attorneys for Applicant Michael Foods, Inc.**

**CERTIFICATE OF SERVICE**

The undersigned certifies that on January 7, 2010, a true copy of the foregoing **AGREED MOTION TO WITHDRAW WITHOUT PREJUDICE** was served on counsel for Michael Foods Inc., Dean R. Karau, FREDRIKSON & BYRON, P.A., via e-mail, with counsel's agreement to accept service by e-mail.



NATHAN ENGELS